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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,292	06/26/2001	Brad A. Armstrong	28	4333

7590 02/22/2005

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EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,292	ARMSTRONG, BRAD A.	
	Examiner	Art Unit	
	Dennis-Doon Chow	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-230 is/are pending in the application.
- 4a) Of the above claim(s) 1-192, 195-203 and 206-220 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 193-194, 204-205 and 221-230 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group XIII, Claims 193-194, 204-205 and 221-230 in the reply filed on 10/5/2004 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 193-194 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wislocki (US 4933670) in view of Satoshi (JP 9213168), Inoue (5207426) and Poulson (DE 40013227).

Wislocki disclose a multiple axes controller comprising at least fourteen keys (86 and 88, Fig. 2) and a two-axes member positioned on the controller to activate two optical sensors (40 and 50, Fig. 1). The controller inherently comprises at least twelve sensors since each of the two optical sensors inherently comprises two sensors for sensing movements of opposition directions with a same axis, and each of the at least fourteen keys inherently comprises at least one sensor.

Wislocki does not explicitly disclose the key sensors are proportional sensors. However, using proportional sensors as key sensors is well known in the art. Satoshi,

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for example, teaches proportional pressure sensors. It would have been obvious to one ordinary skill in the art to use Satoshi's proportional pressure sensors as the key sensors in Wislocki's controller since Wislocki does not disclose use any specific sensors as the key sensors.

Wislocki does not disclose including two sensors in a single key.

Inoue discloses a single (12) having multiple sensors.

In light of Inoue, it would have been obvious to one of ordinary skill in the art to combine two of Wislocki's keys into a single key to activate to sensors. This would have been obvious because it reduces the structures of the keys.

Wislocki does not disclose a vibration feedback member.

Poulsom disclose a controller comprising a feedback motor generates a vibration feedback.

In light of Poulsom, it would have been obvious to one ordinary skill in the art to use Poulsom's feedback means in Wislocki's controller so that a vibration feedback can be generated.

4. Claims 204-205 and 221 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wislocki (US 4933670) in view of Satoshi (JP 9213168) and Poulsom (DE 40013227).

Regarding to claims 204-205, the disclosures of Wislocki, Satoshi and Poulsom in the above paragraphs apply here as well.

Regarding to claim 221, the disclosures of Wislocki, Satoshi and Poulsom in the above paragraphs apply here as well.

Wislocki further discloses a rotating member (Fig. 1) for generating 3D signals. The rotating member inherently comprises six sensors, two for each axis of three axes. Wislocki does not disclose the rotating member comprises twelve sensors. However, it is considered a matter of obvious design choice to add additional six sensors to the rotating member since this does not provide any unexpected result.

5. Claims 222, 224-226, 228 and 230 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (4555960) in view of Poulsom (DE 4013227).

King disclose an image controller comprising a three-axes member for activating a plurality of sensors to generating signal information, and a rotating member for a plurality of sensors to generating signal information. King does not explicitly disclose each of rotating member and the three-axes member activating twelve sensors. However, it is considered a matter of obvious design choice to use each of the rotating member and the three-axes member for activating twelve sensors since this does not provide any unexpected result.

King does not disclose a vibration feedback member.

Poulsom discloses a controller comprising a vibration feedback member for generating a vibration feedback. The vibration feedback member includes a motor a weight member.

In light of Poulson, it would have been obvious to one ordinary skill in the art to use Poulson's feedback member in King's controller so that a vibration feedback can be generated.

6. Claims 223, 227 and 229 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Poulson as applied to claims 222, 224-226, 228 and 230 above, and further in view of Asher (5689285).

King does not disclose the sensors are pressure-sensitive sensors.

Asher discloses a controller comprising a plurality of small size pressure-sensitive sensors for generating control signals.

In light of Asher, it would have been obvious to one ordinary skill in the art to substitute Asher pressure-sensitive sensors for King's sensors because the sizes of Asher's pressure-sensitive sensors are a lot smaller than King's sensors. By replacing King's sensors with Asher's pressure-sensitive sensors, the sizes of the sensors can be significantly reduced.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 703-305-4398. The examiner can normally be reached on 8:30-6:00, Alternate Monday off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Chow
February 19, 2005



DENNIS-DOON CHOW
PRIMARY EXAMINER